

REMARKS

In response to the Office Action, Applicant has cancelled Claims 1-14. Accordingly, the claims which were the subject to the double patenting rejection are no longer in issue. Furthermore, Applicant has amended Claims 15, 17, and 18. Additionally, Applicant has added Claims 21 through 43. These are new claims. The old and new claims together include four independent claims. These independent claims are Claims 15, 21, 33 and 36. Independent Claims 15, 33, and 36 are directed to the feature of the present invention of delivering a customized program directory to a end user based upon a determined profile of preferences for that particular user. Independent Claim 21 is directed to the method of providing programming to a user based on his or her preferences utilizing virtual channels. As all other claims depend either directly or indirectly from these independent claims, only the independent claims will be discussed in this argument section.

The Hendricks et al. reference cited by the Examiner is not adequate as a reference for either the directory invention or the virtual channels invention.

First, with respect to the invention of independent Claim 21, Hendricks et al. does not teach or suggest the utilization of virtual channels. In Hendricks et al., there is discussion of providing a targeted advertising. This is discussed commencing at Column 34, line 39, in Section 11, which is entitled "Basic Advertisement Targeting Routine." The discussion of the targeted advertising routine extends through Column 39, line 53. This text includes the discussion of "Alternatives to Basic Advertising Targeting Routine" which is in Section 12 of the Detailed Description of the Invention. There are three basic modes of delivering the targeted advertising. These are discussed in high level at Column 37, commencing at line 33, which reads in relevant part as follows:

"The three preferred methods to transmit targeted commercials to a set top terminal 220 are: (1) the Additional Bandwidth method (or individual video access); (2) the Multiple Channel method and (3) the Split Screen method. Each method has certain advantages and disadvantages. The Additional Bandwidth method allows most flexibility by more specifically targeting commercials before the commercials are transmitted to a set type box terminal 220. However, it requires a great deal of available bandwidth in the delivery system. This is difficult with the cable system 200 but possible when a telephone or personal communication system is used to transmit the commercials to the set top terminal 220."

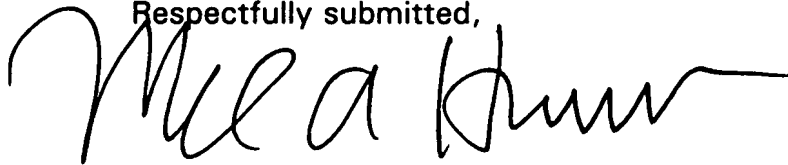
The text then continues to describe in detail these three alternative methods. None of the methods rely upon the utilization of virtual channels in order to delivery customized programming to a viewer based upon his or her known profile. Accordingly, the reference is not adequate to support a rejection of independent Claim 21 and claims which depend either directly or indirectly therefrom.

With reference now to the directory delivery invention of independent Claims 15, 33, and 36, each of these claims require the delivery of a customized program directory to an end device. The program directory is customized based upon the known profiles of the particular end user. Applicant has reviewed in its entirety the Hendricks et al. reference and finds no mention whatsoever of the delivery of a directory which has been customized based upon the known profile of an end user. Accordingly, the Hendricks et al. reference is not adequate as a reference in the rejection of these claims.

A check in the amount of \$114.00 for the additional claims (1 @ \$42.00 = \$42.00 and 8 @ \$9.00 = \$72.00).

Enclosed is a check in the amount of \$460.00 for the extension fee. If any additional fees are required, please charge to Deposit Account No. 50-1060.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melvin A. Hunn", with a long horizontal flourish extending to the right.

Melvin A. Hunn

Registration No. 32,574

Kenneth C. Hill

Registration No. 29,650

HILL & HUNN LLP

201 Main Street, Suite 1440

Fort Worth, Texas 76102

(817) 332-2113

ATTORNEY FOR APPLICANT